

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:04-CR-286
	§	
GREGORIO ENRIQUE URIOSTUGUI-	§	
GARCIA	§	

ORDER


Gregorio Enrique Uriostugui-Garcia filed a motion in which he seeks commutation of his sentence on humanitarian grounds. D.E. 42.

Uriostugui-Garcia pleaded guilty to drug trafficking in 2006 and was sentenced to 188 months in the Bureau of Prisons. D.E. 36. Earlier this year, pursuant to Amendment 782, this Court reduced his sentence to 151 months in the Bureau of Prisons. D.E. 41. According to BOP records, his release date is projected to be in March 2017. Uriostugui-Garcia claims that his children, who are being cared for by relatives, need assistance because one of their primary caretakers has become ill and other family members are not in a position to help.

This Court's authority to modify a sentence is strictly limited by statute to the circumstances set forth in 18 U.S.C. § 3582. Section 3582 does not extend to the issues raised by Uriostugui-Garcia. Moreover, a request to commute sentence must be directed to the executive branch of the government, to the United States. *Hunter v. Tamez*, 622 F.3d 427, 431 (5th Cir. 2010). The Constitution grants the discretionary power to commute a sentence in the executive branch. *See* U.S. Const. art. II, § 2, cl. 1; *see, e.g., Schick v. Reed*, 419 U.S. 256, 266-68 (1974).

Because this Court does not have the authority to grant Uriostugui-Garcia's motion (D.E. 42), it is DENIED without prejudice. The request for commutation of sentence should be directed to the United States.

SIGNED and ORDERED this 1st day of June, 2015.



Janis Graham Jack
Senior United States District Judge